



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/524,353

02/14/2005

Russell N Owen

555255012831

4652

24325 7590 12/10/2008

PATENT GROUP 2N
JONES DAY
NORTH POINT
901 LAKESIDE AVENUE
CLEVELAND, OH 44114

EXAMINER

SCHWARTZ, DARREN B

ART UNIT

PAPER NUMBER

2435

MAIL DATE

DELIVERY MODE

12/10/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/524,353	Applicant(s) OWEN ET AL.	
	Examiner DARREN SCHWARTZ	Art Unit 2435	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Applicant's arguments filed 30 September 2008 have been fully considered but they are not persuasive.

1. Applicant argues that Sweet fails to teach "plurality of domains residing on a wireless mobile communication."

The Examiner disagrees. Turning to applicant's specification, the abstract states "Each of a plurality of domains includes at least one wireless mobile communication device asset." The Abstract further states "Wireless mobile communication device assets include software applications, persistent data, communication pipes, and configuration data, properties or user or subscriber profiles." Since applicant can act as their own lexicographer, the Examiner has assumed the definition of "asset" as provided by applicant; yet the term "asset" appears to have a broad range of meanings. Since the "domains" include the "assets," "domain-specific policies" have met the meets of the claim language as the "assets" can be mapped to the "policies" of Sweet while the teachings of "domain" map to teach other.

2. Applicant argues that Sweet cannot be mapped to the domains of claim 1 since in Sweet the policies are "the algorithm access permissions together with the credentials [that] provide a member with a set of access permission rights."

The Examiner disagrees and refers applicant to the rebuttal stated in point 1. Additionally, the Examiner has thoroughly checked the specification for all instances of “domain” and finds them in the specification, at least, in the following contexts:

- “assets may be assigned to domains”
- “domain policy store”
- “domain policies”
- “Domain C includes a communication pipe”
- “A domain is a collection of objects that share a common level of trust, and can be owned and controlled by a mobile device stakeholder, such as a mobile device user, a mobile device owner, a carrier or a service provider. Placing an object in a domain means that the object is trusted, and that its use can be restricted to other domain members. Each domain has a domain policy that controls which objects can become members of a domain, as described in further detail below.”

Applicant and applicant’s representative admits on page 8 of REMARKS, that “...in Sweet[,] the polices are ‘the algorithm access permissions together with the credentials [that] provide a member with asset of access permission rights.’” Applicant and applicant’s representative have admitted the mapping of the claimed limitation “each domain including an asset of the wireless mobile communication device” to Sweet.

3. In response to applicant's argument that "the domains of Sweet are 'CKM domains,'" a recitation of the intended use of the claimed invention must result in a

Art Unit: 2435

structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

4. In response to applicant's argument that "the term 'domain' is Sweet is diametrically opposed to how the same term is used in claim 1," a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

For at least the points made above, the Examiner upholds the Sweet reference.

5. Applicant argues that Sweet does not teach the limitations of claim 4, however, such arguments are moot as claim 4 has been amended. However, the Examiner disagrees and refers applicant below.

The fact that the Examiner may not have specifically responded to any particular arguments made by Applicant and Applicant's Representative, should not be construed as indicating Examiner's agreement therewith.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-6, 8 and 11-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Sweet et al (U.S. Pat Pub 2002/0031230 A1), hereinafter referred to Sweet.

Re claims 1 and 11: Sweet teaches a system of securely controlling a wireless mobile communication device (Abstract: lines 6-7 and lines 16-22; Fig 11), comprising: a plurality of domains [domain-specific policies] residing on a wireless mobile communication device [PXa³ Member Client System] (§13, §114-§115), each domain including an asset of the wireless mobile communication device (§114, lines 16-20); and a domain controller configured to receive a request to perform an operation affecting at least one of the assets (§147; §211), to determine whether the request originated with an entity that has a trust relationship with the domain that includes the at least one affected asset and to permit completion of the operation where the request originated with an entity that has a trust relationship with the domain that includes the at least one affected asset (§116; §117; §212-223).

Re claim 2: Sweet teaches a key store [*server holds all private keys*] for storing cryptographic keys associated with the domain that includes the at least one affected asset, wherein the domain controller is configured to determine whether the request originated with an entity that has a trust relationship with the domain using the cryptographic keys (Abstract, lines 8-10; ¶25-¶26).

Re claims 3, 12 and 13: Sweet teaches the domain controller is configured to determine whether the request originated with the entity that has a trust relationship with the domain that includes the at least one affected asset by determining whether the domain that includes the at least one affected asset also includes the entity (¶191, ¶192, ¶212-¶222).

Re claim 4: Sweet teaches at least one domain further includes as an asset a software application for which the domain controller permits completion of the operation upon the software application [Fig 11, elts 805 and 855] where the request originated with an entity [Fig 11, 800: PXA Server System] that has a trust relationship with the at least one domain that includes as an asset the software application (Fig 11: ¶383-387).

Re claim 5: Sweet teaches at least one of the domains comprises a plurality of domains (¶105), and wherein the wireless mobile communication device further comprises a super user software application that has a trust relationship with more than one of the plurality of domains (¶87; ¶115; ¶212; ¶216) (see also ¶229-245).

Re claim 6: Sweet teaches each of the more than one of the plurality of domains includes the super user software application (¶229-245).

Re claim 8: Sweet teaches the at least one asset is selected from the group consisting of: communication pipes, persistent data, properties, and software applications (§§170-171).

Re claim 14: Sweet teaches the request originates from a software application (§§150-151; *credentials 115 may be associated with an application that defines one more identity elements for a member 105*), and wherein the step of determining whether the request originated with an entity that has a trust relationship with the domain that includes the at least one affected asset comprises the step of verifying a digital signature of the software application using a cryptographic key associated with the domain. (Abstract, lines 8-10; §§25-§26).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 7 and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sweet et al (U.S. Pat Pub 2002/0031230 A1), hereinafter referred to Sweet, in view of Satagopan et al (U.S. Pat Pub 2002/0095497 A1), as applied to claims 1 and 11, hereinafter referred to as Satagopan.

Re claims 7 and 15: Stagopan teaches the domain controller is further configured to receive information, and to place the information into a domain (Abstract).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the teachings of Sweet reference with the teachings of the Satagopan reference for the purpose of securely pushing information into a domain.

Re claim 16: Sweet in view of Satagopan teaches the step of associating comprises the step of determining with which domains the information is to be associated in accordance with domain policies (Satagopan: ¶31 and ¶34).

Re claim 17: Sweet in view of Satagopan teaches the domain policies specify that information is to be associated with domains based on one or more of: a source of the information, an indicator of a domain in the information, a communication pipe over which the information is received, a digital signature of the information, an access list describing allowed domain information, and an input from a user of the wireless mobile communication device (Sweet: ¶170-171).

8. Claims 9, 10 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sweet et al (U.S. Pat Pub 2002/0031230 A1), hereinafter referred to Sweet, in view of Freund (U.S. Pat 5987611 A), as applied to claims 1 and 11, hereinafter referred to as Freund.

Re claims 9 and 18: Freund teaches a data store for storing properties [Fig 2, elt 225], wherein the domain controller is further configured to determine whether the operation is permitted by properties in the data store, and to permit completion of the

Art Unit: 2435

operation where the operation is permitted by the properties in the data store (col 3, line 60 – col 4, line 28).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the teachings of Sweet with the teachings of Freund for the purpose of providing access control properties unique to each client-side module.

Re claim 10: Sweet in view of Freund teaches each property is global, domain-specific, or specific to a particular software application on the wireless mobile communication device (Freund: col 6, lines 30-35; Fig 2; col 8, lines 30-53).

Re claim 19: Sweet in view of Freund teaches the step of determining whether the operation is permitted by properties stored at the wireless mobile communication device comprises the step of checking global properties for the wireless mobile communication device and domain properties for the domain that includes the at least one affected asset (Freund: col 3, line 60 – col 4, line 28; col 6, lines 30-35; Fig 2; col 8, lines 30-53).

Re claim 20: Sweet in view of Freund teaches the request originates from a software application, and wherein the step of determining whether the operation is permitted by properties stored at the wireless mobile communication device further comprises the step of checking application properties for the software application (Freund: col 4, lines 30-50).

Conclusion

Examiner's Note: Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the text of the passage taught by the prior art or disclosed by the examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DARREN SCHWARTZ whose telephone number is (571)270-3850. The examiner can normally be reached on 8am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (571)272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2435

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. S./

Examiner, Art Unit 2435

/Kimyen Vu/

Supervisory Patent Examiner, Art Unit 2435